

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

v.

ALBERTO GONZALES, in his official capacity as
ATTORNEY GENERAL OF THE UNITED
STATES,

Defendant.

Civil Action No. 98-CV-5591

PLAINTIFFS' INITIAL DISCLOSURES PURSUANT TO F.R.C.P. 26(a)(1)

Plaintiffs American Civil Liberties Union; American Booksellers Foundation For Free Expression; Androgyny Books, Inc. d/b/a A Different Light Bookstores; Addazi, Inc. d/b/a Condomania; Heather Corinna Rearick; Electronic Frontier Foundation; Electronic Privacy Information Center; Free Speech Media; Nerve.com, Inc.; Aaron Peckham d/b/a Urban Dictionary; Philadelphia Gay News; PlanetOut, Inc.; Powell's Bookstores; Public Communicators, Inc.; Salon Media Group, Inc.; Dan Savage; and Sexual Health Network (collectively, "Plaintiffs") hereby make their voluntary initial disclosures ("Initial Disclosures"), pursuant to Federal Rule of Civil Procedure 26(a)(1) to defendant Alberto Gonzales, in his official capacity as Attorney General of the United States.

DISCLOSURES

A. Individuals Likely to Have Discoverable
Information that Plaintiffs May Use to Support Their Claims

The following individuals are likely to have discoverable information that may be used by Plaintiffs to support their claims. The list is based on information presently available to Plaintiffs, and Plaintiffs reserve the right to supplement the list pursuant to Federal Rule of Civil

Procedure 26(e). Individuals currently or formerly employed by Plaintiffs should be contacted only through counsel to Plaintiffs.

Name and Location	Type of Information
Adam Glickman President Condomania 647 Poinsetia Place Los Angeles, CA 90036 Tel: (323) 933-7865	Information relevant to the impact of 47 U.S.C. § 231 on Addazi, Inc. d/b/a Condomania
Bill Barker CEO A Different Light Bookstores 8853 Santa Monica Blvd. West Hollywood, CA 90069 Tel: (310) 659-6443	Information relevant to the impact of 47 U.S.C. § 231 on Androgyny Books, Inc. d/b/a A Different Light Bookstores
Nancy Peters City Lights Bookstore 261 Columbus Ave. San Francisco, CA 94133 Tel: (415) 362-1901 Fax: (415) 362-4921	Information relevant to the impact of 47 U.S.C. § 231 on City Lights Bookstore
Heather Corinna Rearick 1116 W. 25th Street Minneapolis, MN 55405 Tel: (612) 374-2282	Information relevant to the impact of 47 U.S.C. § 231 on Heather Corinna Rearick
Gabriela Sankovich Open Enterprises, Inc. 938 Howard, Suite 101 San Francisco, CA 94103 Tel: (415) 974-8985 Ext. 206	Information relevant to the impact of 47 U.S.C. § 231 on Good Vibrations
John Schwartz Free Speech Media, LLC P.O. Box 6060, Suite 6 Boulder, CO 80301 Tel: (303) 442-8060 or (303) 442-2707	Information relevant to the impact of 47 U.S.C. § 231 on Free Speech Media, LLC and Public Communicators, Inc.

Name and Location	Type of Information
Bill Boushka High Productivity Publishing P.O. Box 580228 Minneapolis, MN 55458-0228 Tel: (612) 677-0652	Information relevant to the impact of 47 U.S.C. § 231 on High Productivity Publishing
Rufus Griscolm CEO and Publisher Nerve.com, Inc. 520 Broadway, 6th Fl. New York, NY 10012 Tel: (212) 624-9914, ext. 250 rufus@nerve.com	Information relevant to the impact of 47 U.S.C. § 231 on Nerve.com, Inc.
Aaron Peckham d/b/a Urban Dictionary 14 Midway Court Sacramento, CA 95817 Tel: (805) 543-2765	Information relevant to the impact of 47 U.S.C. § 231 on Aaron Peckham d/b/a Urban Dictionary
Mark Segal Philadelphia Gay News 505 South 4 th Street Philadelphia, PA 19147-1605 Tel: (215) 625-8501 Ext. 204	Information relevant to the impact of 47 U.S.C. § 231 on Philadelphia Gay News
Lowell Sullivan CEO PlanetOut, Inc. P.O. Box 500 San Francisco, CA 94104-0500 Tel: (415) 834-6500 Fax: (415) 834-6502	Information relevant to the impact of 47 U.S.C. § 231 on PlanetOut, Inc.
Miriam Sontz Manager Powell's Bookstores 1005 W. Burnside Portland, OR 97209 Tel: (503) 228-0540 ext. 845	Information relevant to the impact of 47 U.S.C. § 231 on Powell's Bookstores

Name and Location	Type of Information
David Talbot Chairman Salon Media Group, Inc. 101 Spear Street, Suite 203 San Francisco, CA 94105 Tel: (415) 645-9200 Fax: (415) 645-9204	Information relevant to the impact of 47 U.S.C. § 231 on Salon Media Group, Inc.
Dan Savage The Stranger 1535 11 th Ave., 3 rd Fl. Seattle, WA 98122 Tel: (206) 323-7101 Fax: (206) 323-7203	Information relevant to the impact of 47 U.S.C. § 231 on Dan Savage
Mitchell S. Tepper, Ph.D. 3 Mayflower Lane Shelton, CT 06484 Tel: (203) 924-4623 Fax: (203) 924-4623	Information relevant to the impact of 47 U.S.C. § 231 on Sexual Health Network
Patricia Nell Warren Wildcat Press 8306 Wilshire Blvd. Box 8306 Beverly Hills, CA 90211 Tel: (213) 966-2466 Fax: (213) 966-2467	Information relevant to the impact of 47 U.S.C. § 231 on Patricia Nell Warren
Lawrence Ferlinghetti City Lights Bookstore 261 Columbus Ave. San Francisco, CA 94133 tel: (415) 362-1901 fax: (415) 362-4921	Information relevant to the impact of 47 U.S.C. § 231 on Lawrence Ferlinghetti

B. Description by Category of and Location of Documents in Plaintiffs' Possession, Custody, or Control that Plaintiffs May Use to Support Their Claims

Plaintiffs reserve the right to withhold from production any documents that would be protected from discovery by a pending motion, the attorney-client privilege, the attorney work

product doctrine, or any other applicable privilege. Plaintiffs also reserve the right to supplement their document production in accordance with Rule 26(e).

Subject to the foregoing, the documents in Plaintiffs' possession, custody, or control that are believed relevant to the disputed facts alleged are the following: (1) Plaintiffs' respective Web pages or other online communications containing protected speech that may be considered harmful to minors in some communities, and (2) congressionally commissioned reports that identify more effective and less burdensome means of protecting children against certain Internet speech and concluding that the application of criminal laws to protected speech on the Internet poses significant First Amendment problems.

Copies of the above-referenced Web pages and online communications are located at the following URL addresses: (1) Addazi, Inc. d/b/a Condomania – <http://www.condomania.com>; (2) American Booksellers Foundation for Free Expression – <http://www.abffe.com>; (3) American Civil Liberties Union – <http://www.aclu.org>; (4) Androgyny Books, Inc. d/b/a A Different Light Bookstores – <http://www.adlbooks.com>; (5) City Lights Bookstore – <http://www.citylights.com>; (6) Heather Corinna Rearick – <http://www.scarletletters.com>, <http://www.scarleteen.com>, and <http://www.femmerotic.com>; (7) Electronic Frontier Foundation – <http://www.eff.org>; (8) Electronic Privacy Information Center – <http://www.epic.org>; (9) Free Speech Media LLC and Public Communicators, Inc. – <http://www.freespeech.org>; (10) Good Vibrations – <http://www.goodvibes.com>; (11) High Productivity Publishing – <http://www.hppub.com>; (12) Nerve.com, Inc. – <http://www.nerve.com>; (13) Aaron Peckham d/b/a Urban Dictionary – <http://www.urbandictionary.com>; (14) Philadelphia Gay News – <http://www.epgn.com>; (15) PlanetOut Inc. – <http://www.gay.com> and <http://www.planetout.com>; (16) Powell's Bookstores – <http://www.powells.com>; (17) Salon

Media Group, Inc. – <http://www.salon.com>; (18) Dan Savage – <http://www.thestranger.com/current/savage.html> and <http://www.spreadingsantorum.com>; (19) Sexual Health Network – <http://www.sexualhealth.com>; and (20) Wildcat Press – <http://www.wildcatintl.com/press/>.

In addition, the above-referenced congressionally commissioned reports are publicly available.

C. Computation of Damages Claimed

Plaintiffs seek only injunctive and declaratory relief in this action.

D. Insurance Agreement Which May Be Liable to Satisfy Part or All of a Judgment That May Be Entered in the Action

None.

Dated: March 8, 2005

By: _____

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Initial Disclosures Pursuant to F.R.C.P. 26(a)(1) was sent via overnight courier on March 8th, 2005 to:

Karen Stewart
United States Department of Justice
Civil Division, Room 7200
20 Massachusetts Avenue NW
Washington, D.C. 20530

Ben Wizner